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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,365	10/24/2000	Peter Ernest Hookham-Miller	P108800-00001	9988

32294 7590 02/10/2005

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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/694,365	HOOKHAM-MILLER, PETER ERNEST	
	Examiner	Art Unit	
	Andrew Y Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-88 is/are pending in the application.
 - 4a) Of the above claim(s) 46-55 and 76 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-45,56-75 and 77-88 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/28/00, 7/3/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I. Claims 1-45, 56-75, and 77-88, drawn to fig. 1.

Group II. Claims 46-55, and 76, drawn to fig. 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. During a telephone conversation with Douglas Goldhush on 29 November 2004 a provisional election was made with traverse to prosecute the invention of group I, claims

1-45, 56-75, and 77-88. Affirmation of this election must be made by applicant in replying to this Office action. Claims 46-55, and 76 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 44, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Objections

5. Claims 32, 56, and 68 are objected to because of the following informalities:

Claim 32 recites the limitation "the event detection" in line 1. There is insufficient antecedent basis for this limitation in the claim. "The event detection" will be treated as "an event detection."

Claim 56 recites the limitation "the packed data" in line 19. There is insufficient antecedent basis for this limitation in the claim. "The packed data" will be treated as "the packet data."

Claim 68 recites the limitation "the predefined event" in line 3. There is insufficient antecedent basis for this limitation in the claim. "The predefined event" will be treated as "a predefined event."

Claim 69 recites the limitation "the predefined event" in line 1. There is insufficient antecedent basis for this limitation in the claim. "The predefined event" will be treated as "a predefined event."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4-7, 11, 16-19, 21, 22, 24, 34, 35, 43-45, 57, 58, 60, 66-68, 70, 74, 75, 84, 85, and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,733,131 to Park.

Regarding claim 1, Park teaches storing information, such as the particular address of the device (12) (col. 4-5, ll. 66-2), which reads on associated with the user in a remote management unit. Park teaches providing a television signals to the television

(fig. 3, label 100, col. 9, ll. 36-55) from a broadcast, which clearly has a broadcasting system (col. 9, ll. 36-55). Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, ll. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28) and a user device operable by the user while experiencing the program (col. 9, ll. 36-55), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Further, Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55).

Regarding claim 2, Park teaches data transported from the Information collecting station (fig. 1, label 28, col. 5, ll. 31-45).

Regarding claim 4, Park teaches a device (12), which as shown in the figure 1 can be a toy bear, which is able to be moved from place to place, which equates to a portable controller.

Regarding claim 5, Park teaches the user device (12) processing packets received from the management unit (col. 5, ll. 7-19, col. 5, ll. 52-62).

Regarding claim 6, Park teaches storing data that associated with the program in the remote management unit (col. 6, ll. 34-57).

Regarding claim 7, Park teaches a paging system clearinghouse (20), which equates to a base station, in that the clearinghouse interfaces the data network to the wireless communication link (col. 5, ll. 7-30).

Regarding claim 11, Park teaches transporting data packets (col. 5, ll. 6-19).

Regarding claim 16, Park teaches control messages, which equates to instructions for the device (col. 6, ll. 8-28; col. 8, ll. 7-20).

Regarding claim 17, Park teaches sending supplemental information from between the management unit and the user device associated with programming (col. 6, ll. 8-28).

Regarding claim 18, Park teaches an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46), which reads on further content that associates with the program.

Regarding claim 19, Park teaches interaction between the viewer of the program and the television system (col. 11, ll. 1-46).

Regarding claim 21, Park teaches a child changing a diaper for the device (12), which equates to an event, which the user may react by inputting a response into the device (col. 11, ll. 1-46).

Regarding claim 22, Park teaches an audio message (col. 6, ll. 8-27).

Regarding claim 24, Park teaches one or more questions presented to the user by the user device (col. 6, ll. 8-27).

Regarding claim 34, Park teaches that an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46).

Regarding claim 35, Park teaches that an element is moved based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46).

Regarding claim 43, Park teaches a toy bear (12a, col. 6, ll. 11-19), which equates to associating with a toy.

Regarding claim 44, Park teaches a toy bear doll (12a, col. 6, ll. 11-19), which equates to a dolly.

Regarding claim 45, Park teaches the program is at least a news program (col. 6, ll. 20-28).

Regarding claim 57, Park teaches a program representation device (100) for displaying the program to the user (col. 6, ll. 34-42), a broadcasting system (col. 6, ll. 34-42, col. 9, ll. 36-55), a packet network (col. 5, ll. 7-19), and a remote management unit (28, col. 5, ll. 46-50). Park teaches storing information about a device (col. 13, ll. 50-58) thereby personalizing the information. Park teaches a user device (12), which is adapted for communication over the packet network between the data network and the user device (col. 4-5, ll. 66-2), which reads on associated with the user in a remote management unit. Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, ll. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28)

and a user device operable by the user while experiencing the program (col. 9, ll. 36-55), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Further, Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55).

Regarding claim 58, Park teaches a device (12), which as shown in the figure 1 can be a toy bear, which is able to be moved from place to place, which equates to a portable controller, Park teaches an audio message (col. 6, ll. 8-27).

Regarding claim 60, Park teaches a paging system clearinghouse (20), which equates to a base station, in that the clearinghouse interfaces the data network to the wireless communication link (col. 5, ll. 7-30).

Regarding claim 66, Park teaches interaction between the viewer of the program and the television system (col. 11, ll. 1-46).

Regarding claim 67, Park teaches transmitting the data based on a predefined event, such as election day (col. 6, ll. 24-27).

Regarding claim 68, Park teaches transmitting the data based on a predefined event, such as election day, which is transmitted to the device by the management unit (col. 6, ll. 24-27) in response to the detection of the predefined event.

Regarding claim 70, Park teaches user information such as the user's device address (col. 4-5, ll. 66-6), wherein the information sent to the particular device equates

to data transported to the device is personalized before transportation based on information stored of the management unit.

Regarding claim 74, Park teaches an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46), which reads on further content that associates with the program.

Regarding claim 75, Park teaches the spring-loaded cover, which moves based on control instructions (col. 11, ll. 1-46).

Regarding claim 84, Park teaches a program representation device (100) for displaying the program to the user (col. 6, ll. 34-42), a broadcasting system (col. 6, ll. 34-42, col. 9, ll. 36-55), a packet network (col. 5, ll. 7-19), and a remote management unit (28, col. 5, ll. 46-50). Park teaches storing information about a device (col. 13, ll. 50-58) thereby personalizing the information. Park teaches a user device (12), which is adapted for communication over the packet network between the data network and the user device (col. 4-5, ll. 66-2), which reads on associated with the user in a remote management unit. Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, ll. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28) and a user device operable by the user while experiencing the program (col. 9, ll. 36-55), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the

information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55). Further, Information of the device is clearly sent at the same time as the television program in order to enable the synchronization of information and stimuli to the users. Park teaches storing personalized information, but is silent on explicitly disclosing a database.

Regarding claim 85, Park teaches an audio message (col. 6, ll. 8-27).

Regarding claim 87, Park teaches a child changing a diaper for the device (12), which equates to an event, which the user may react by inputting a response into the device (col. 11, ll. 1-46).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-10, 12-15, 26, 28-31, 36-42, 56, 61-65, 69, 71, 72, 77-79, 82, 83, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,733,131 to Park.

Regarding claims 8-10, 12-15, and 61-65, Park is silent on the wireless link being a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link employing frequency hopping, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio

link protocol, and Bluetooth. Official Notice is taken that a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, and Bluetooth are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Park by using a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link employing frequency hopping, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, or Bluetooth in order to communicate with the remote device without physical wires, thereby creating a friendlier user device.

Regarding claim 26, Park is silent on the voice messages based on the voice over Internet protocol (VOIP). Official Notice is taken that using voice messages based on VOIP is well known in the art, such as telephone conversations among devices and streaming audio information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using voice messages based on VOIP in order to incorporate existing technology thereby benefiting of incorporating other devices utilizing the same standard.

Regarding claim 28, Park is silent on data transportation triggered based on monitoring of a time-code that associated with recording media used for storing the program. Official Notice is taken that triggering data from recorded media is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Park by triggering data from recorded media in order to efficiently launch triggers from media.

Regarding claims 29-31, Park is silent on an element at the broadcasting system monitoring the time code, an apparatus for replaying recorded programs monitors for the time code, and user device monitoring for the time code. Official Notice is taken that the detection of an event occurring at the broadcaster, replay device, or user device is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by detecting an event occurring at the broadcaster, replay device, or user device in order to detect an event and process the information for enhancing the user's experience.

Regarding claims 36-38, 71, and 72, Park teaches data transportation, but is silent on broadband data transportation, a third generation mobile telecommunication network standard. Official Notice is taken that different data networks are well known in the art, such as a broadband data transportation, a third generation mobile telecommunication network standard (which also equates to a universal mobile telecommunications service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using broadband data transportation, a third generation mobile telecommunication network standard in order to diversify the paths of the data thereby enabling different types of networks.

Regarding claims 39-42, Park teaches user information such as the user's device address (col. 4-5, ll. 66-6), wherein the information sent to the particular device equates to data transported to the device is personalized before transportation based on

information stored of the management unit. However, Park is silent on a database at the management unit, enabling the user to modify information stored in the database, routing and personal information in the database. Official Notice is taken that remotely located databases, modifying information, routing and personal information in a database are well known in the art, such as used in profile management for targeting information to desired users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by remotely locating databases, modifying information, routing and personal information in a database in order to further enhance the user's experience by targeting information to the user.

Regarding claim 56, Park teaches storing information, such as the particular address of the device (12) (col. 4-5, ll. 66-2), which reads on associated with the user in a remote management unit. Park teaches providing a television signals to the television (fig. 3, label 100, col. 9, ll. 36-55) from a broadcast, which clearly has a broadcasting system (col. 9, ll. 36-55). Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, ll. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28) and a user device operable by the user while experiencing the program (col. 9, ll. 36-55), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Further, Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-

55). The examiner notes that the packet switched network is separate from the television system signals. Park teaches a portable device, but is silent on a handheld device. Official Notice is taken that a handheld device is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using a handheld device in order to enable the system for more portability and thereby becoming more convenient for the user.

Regarding claim 69, Park is silent on data transportation triggered based on monitoring of a time-code. Official Notice is taken that triggering data based on a time code is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by triggering data from a time code in order to efficiently launch triggers from media.

Regarding claim 77, Park teaches a program representation device (100) for displaying the program to the user (col. 6, II. 34-42), a broadcasting system (col. 6, II. 34-42, col. 9, II. 36-55), a packet network (col. 5, II. 7-19), a remote management unit (28, col. 5, II. 46-50). Park teaches storing information about a device (col. 13, II. 50-58) thereby personalizing the information. Park teaches a user device (12), which is adapted for communication over the packet network between the data network and the user device (col. 4-5, II. 66-2), which reads on associated with the user in a remote management unit. Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, II. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28) and a user device operable by the user while experiencing the program (col. 9, II. 36-

55), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55). Further, Information of the device is clearly sent at the same time as the television program in order to enable the synchronization of information and stimuli to the users. Park teaches storing personalized information, but is silent on explicitly disclosing a database. Official Notice is taken that the use of databases is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by implementing a database in order to organize the data of the users thereby enabling more targeted information and efficient processing of information for the users.

Regarding claim 78, Park teaches sending supplemental information from between the management unit and the user device associated with programming (col. 6, ll. 8-28).

Regarding claim 79, Park teaches an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46), which reads on further content that associates with the program.

Regarding claim 82, Park teaches that the management unit is remote from the user device and television system in that they are completely independent structures as shown in figure 1.

Regarding claim 83, Park teaches an audio message (col. 6, ll. 8-27).

Regarding claim 88, Park is silent a speech message. Official Notice is taken that speech commands are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using speech commands in order to simplify the interface by enabling the user to voice their commands.

10. Claims 3, 20, 25, 33, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,733,131 to Park in view of U.S. Patent 6,415,439 to Randell et al. (hereafter Randell).

Regarding claim 3, Park is silent on a message from the user device. In analogous art, Randell teaches a transmitting a message back to the management unit from the user device (10) (see col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by as taught by transmitting a message back to the management unit from the user device as taught by Randell in order to provide active feedback to the user, thereby enabling the system to respond to the user.

Regarding claim 20, Park is silent on a message generated at the user device in response to user input, transporting the message to the management unit, wherein upon receiving the message the management unit generates another message to be transported back to the user. In analogous art, Randell teaches a transmitting a

message generated via a sensor at the user device (60) and transporting the message back to the management unit (10), and generating another message to be transported back to the user, such as "No, that's my right hand, please squeeze my left hand." (see col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by as taught by transmitting a message generated via a sensor at the user device (60) and transporting the message back to the management unit (10), and generating another message to be transported back to the user as taught by Randell in order to provide active feedback to the user, such as instructing the user to perform a certain action correctly, thereby educating the user.

Regarding claim 25, Park is silent on a message generated at the user device in response to one or more questions or tasks, transporting the message to the management unit, wherein upon receiving the message the management unit generates a feedback message to be transported back to the user. In analogous art, Randell teaches a transmitting a message generated via a sensor at the user device (60) (in response to a task of squeezing BARNEY's left hand) and transporting the message back to the management unit (10), and generating another message to be transported back to the user, such as "No, that's my right hand, please squeeze my left hand." (see col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by message generated at the user device in response to one or more questions or tasks, transporting the message to the management unit, wherein upon receiving the message

the management unit generates a feedback message to be transported back to the user as taught by Randell in order to provide active feedback to the user, such as instructing the user to perform a certain action correctly, thereby educating the user.

Regarding claims 33 and 73, Park is silent on inputting a speech message, transmitting the message to the management unit, and recognizing it at the management unit. Randall teaches transmitting messages to the management unit and recognizing it at the management unit (see col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by as taught by transmitting a message generated and recognizing the message at the management unit as taught by Randell in order to provide active feedback to the user, such as instructing the user to perform a certain action correctly, thereby educating the user. Park and Randall are silent a speech message. Official Notice is taken that speech commands are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park and Randall by using speech commands in order to simplify the interface by enabling the user to voice their commands.

11. Claims 23, 59, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,733,131 to Park in view of U.S. Patent 5,855,483 to Collins et al. (hereafter Collins).

Regarding claim 23, Park teaches audio messages, but is silent on a visual message. Collins teaches a plaything to generate visual message (col. 4, ll. 24-27, col.

6, II. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using visual messages as taught by Collins in order to engage the user with the device (Collins: col. 4, II. 6-35), thereby increasing interactivity.

Regarding claim 59, Park teaches a device (12), which as shown in the figure 1 can be a toy bear, which can be moved from place to place, which equates to a portable controller. Park teaches audio messages, but is silent on a visual message. Collins teaches a plaything to generate visual message (col. 4, II. 24-27, col. 6, II. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using visual messages as taught by Collins in order to engage the user with the device (Collins: col. 4, II. 6-35), thereby increasing interactivity.

Regarding claim 86, Park teaches audio messages, but is silent on a visual message. Collins teaches a plaything to generate visual message (col. 4, II. 24-27, col. 6, II. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using visual messages as taught by Collins in order to engage the user with the device (Collins: col. 4, II. 6-35), thereby increasing interactivity.

12. Claims 27, 32, 80, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,733,131 to Park in view of U.S. Patent 6,049,333 to LaJoie et al (hereafter LaJoie).

Regarding claim 27, Park teaches transmitting the data based on a predefined event, such as election day (col. 6, ll. 24-27), but is silent on transmitting data based on a predefined event associated with the program. LaJoie teaches transmitting information to the user based on a predefined event associated with a program (col. 4-5, ll. 65-17, col. 8, ll. 49-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by transmitting data based on a predefined event associated with the program as taught by LaJoie in order to update the user of information of programs.

Regarding claim 32, Park is silent on the event detection based on detection of the predefined audio or visual effect in the program. Official Notice is taken that detection of the predefined audio or visual effect in the program is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by detecting a predefined audio or visual effect in the program in order to enable the receiving device to identify additional information that would interest the user, thereby facilitating the user in acquiring more information.

Regarding claim 80, Park teaches transmitting the data based on a predefined event, such as election day (col. 6, ll. 24-27), but is silent on transmitting data based on a predefined event associated with the program. LaJoie teaches transmitting information to the user based on a predefined event associated with a program (col. 4-

5, II. 65-17, col. 8, II. 49-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by transmitting data based on a predefined event associated with the program as taught by LaJoie in order to update the user of information of programs.

Regarding claim 81, Park and LaJoie are silent on data transportation triggered based on monitoring of a time-code. Official Notice is taken that triggering data based on a time code is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park and LaJoie by triggering data from a time code in order to efficiently launch triggers from media.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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PRIMARY EXAMINER